



בס"ד Intro

Today we will דף יט learn דף יס of Mesechte Yevamos.

Some of the key topics and concepts that we will learn about include:

## אשת אחיו שלא היה בעולמו

The Mitzvah of Yibum is only upon a brother who lived together with the deceased brother at one time. In other words, the יבם was alive at the time of the 'בעל's death. However, there is NO Mitzvah of Yibum upon a brother who was born after the death of the בעל, since they had NOT lived together at one time.

, is where the יבמה gives קידושין to the מדרבנן, which מדרבנן is considered as he married her.

## ש זיקה

The bond between the Yevama and Yavam even before Yibum is performed, is considered like a marriage, מדרבם. For example, he may not marry her mother, similar to a marriage where one may not marry his mother-in-law, even after the death of his wife.

## אין זיקה

The bond is not considered like a marriage. Therefore, he may marry her mother, because she is not considered ממותו מדרבען.



So let's review.....

The Gemara on the previous Daf cited רב אושעיא who said; חלוק היה ר"ש אף בראשונה

 $R^\prime$  Shimon disagrees with the Tanna Kamma regarding אשת אחיו שלא היה בעולמו

Both in the case of

יבם ולבסוף נולד

ובהתירא אשכחה

And also in the case of

נולד ואח"כ יבם

ובאיסורא אשכחה

Rebbe Shimon holds that even in this case she is מותר to Levi, because regarding the Halachah of אשת אחיו שלא היה we say

יש זיקה

זיקה ככנוסה דמיא

She is considered as if Shimon had already been Meyabem, and it is as if המירא אשכחה, and she is NOT אסור משום אשת אח מכח ראובן









The Gemara here cites רב פפא who disagrees with רב פפא אמר

בייבם ואח"כ נולד פליג ר"ש

בנולד ואח"כ ייבם לא פליג

 $R^\prime$  Shimon disagrees with the Tanna Kamma regarding אשת אחיו שלא היה בעולמו, in the second Mishnah only, in a case of

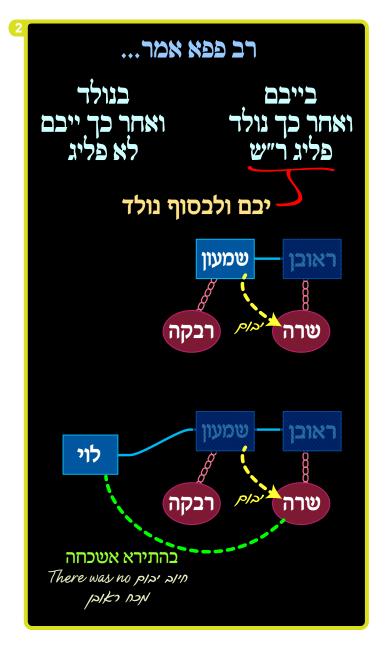
יבם ולבסוף נולד

Shimon was Meyabem Sarah before Levi was born – which is,

בהתירא אשכחה

Levi found her in a permitted status - when Levi was born there was no חיוב יבום מכח, since Shimon had already been Meyabem.

Rebbe Shimon holds that Sarah is מותר to Levi in Yibum when she later falls to him from Shimon, because she was never אמרו to him מכח ראובן.









However, Rebbe Shimon does not disagree with the Tanna Kamma in the first Mishnah, at the beginning of the Perek, in a case of

Levi was born before Shimon was Meyabem Sarah – which is

באיסורא אשכחה

Levi found her in a forbidden status - when Levi was born there was a חיוב יבום מכח ראובן, and since Levi was אשת אחיו שלא היה בעולמו

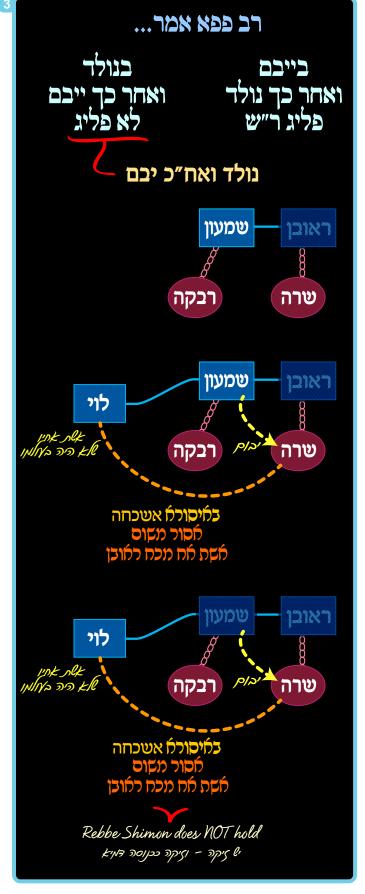
Sarah became אסור משום אשת אח מכח ראובן

In this case, Rebbe Shimon agrees with the Rabanan that Sarah remains אסור to Levi when she later falls to him from Shimon.

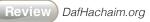
Rav Papa holds that Rebbe Shimon does NOT hold יש זיקה

זיקה ככנוסה דמיא

She is NOT considered as if Shimon had already been Meyabem, and therefore, she is באיסורא אשכחה, and remains









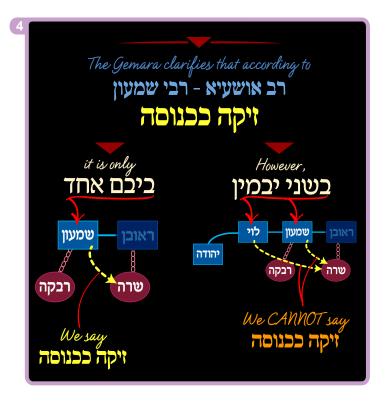
The Gemara clarifies that according to רב אושעיא who holds that Rebbe Shimon holds זיקה ככנוסה, we are compelled to qualify that it is only

ביבם אחד

As in our case, at the time of Ruvain's death, Shimon was the only Yavam - Therefore, it's considered as if he had already been Meyabem. However,

בשני יבמי

Where there are two brothers who are eligible to be Meyabem, we cannot say ידיקה כנוסה - it's as if one of them was Meyabem, because we don't know which brother will actually be Meyabem. For example, there were three brothers originally, and Yehuda is the אשת אחיי שלא היה בעולמו.



However, according to רב פפא who holds that Rebbe Shimon does not hold זיקה ככנוסה, there is no difference between יבם אחד ושני יבמין.

In a case of

ייבם ואח"כ נולד

Also referred to in the Braisa as

שואין קודם ללידה:

Sarah is מותר, בשני יבמין, because the reason is because of on בשני יבמין, one of the brothers had already been Meyabem.

In a case of

נולד ואח"כ ייבם

OR

לידה קודמת לנשואין

Sarah is אסור even ביבם, because ב holds that Rebbe Shimon does not hold זיקה ככנוסה.  $^{\rm top}$ 

רב פפא - רבי שמעון
אין זיקה ככנוסה
אין זיקה ככנוסה
אין זיקה ככנוסה
אין זיקה ככנוסה
דהרב ושני יבמין
ואח"כ נולד
אסור
בהתירא
אין זיקה
אשכחה
בהתירא



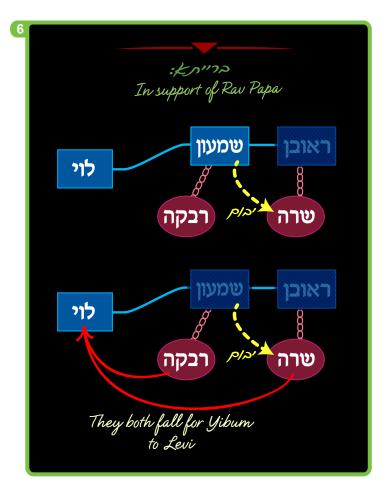




The Gemara cites a Braisa in support of Rav Papa – which also elaborates on variations of the above scenario of אשת אחיו שלא היה בעולמו:

We have primarily been discussing a case where Shimon was Meyabem Ruvain's wife Sarah – and Shimon also had a wife Rivka.

After Shimon's death, they both fall for Yibum to Levi.











This Braisa supports Rav Papa that it depends when Levi was born:

נולד ואח"כ ייבם ומת

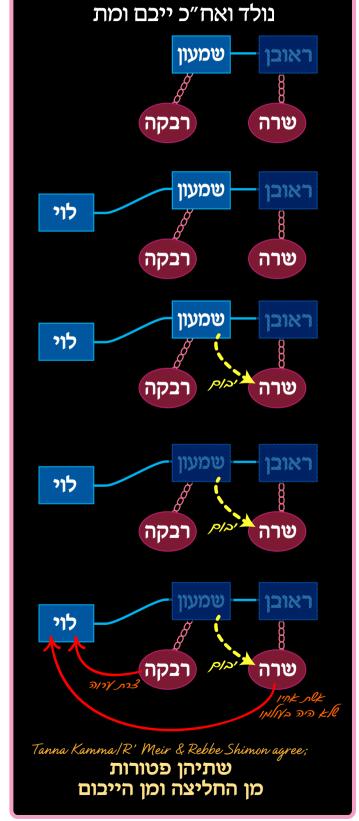
After the death of Ruvain,

Levi was born,

Shimon was Meyabem Sarah,

and later died.

The Tanna Kamma, who the Braisa identifies as Rebbe Meir, AND Rebbe Shimon agree; שתיהן פטורות מן החליצה ומן הייבום Sarah is אשת אחיו שלא היה בעולמו because she's אשת אחיו שלא היה בעולמו. Rivka is פטור because she's a



This Braisa supports Rav Papa

that it depends when Levi was born:







The Braisa adds another variation - which we did not have earlier – in which the Halachah would be the same, כנסה ומת

ואח"כ נולד לו אח

After the death of Ruvain, Shimon was Meyabem Sarah,

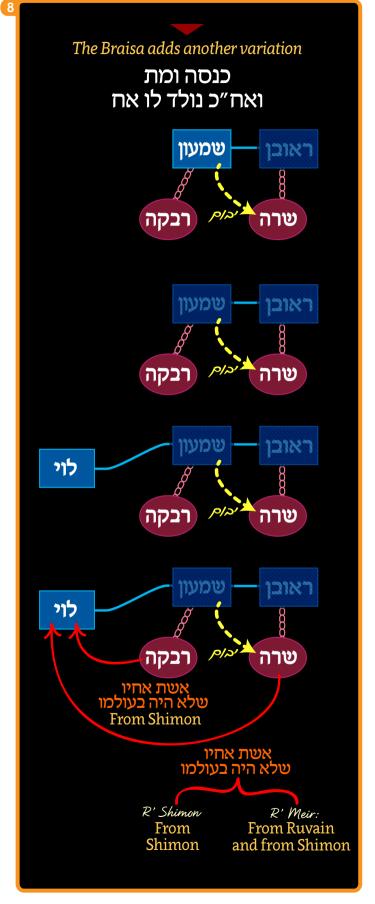
and died,

and then, Levi was born.

Sarah is פטור because, according to Rebbe Meir, she's a double אשת אחיו שלא היה בעולמו, both from Ruvain and from

And according to Rebbe Shimon, she's אשת אחיו שלא היה בעולמו from Shimon

Rivka is פטור because she's אשת אחיו שלא היה בעולמו from Shimon.









לוי

לוי

לוי

לוי

ייבם ואח"כ נולד ומת

שמעון

שמעון

שרה

רבקה

רבקה

רבקה

מייבם לאיזו מהן שירצה או חולץ לאיזו מהן שירצה

רבקה

שתיהן פטורות מן החליצה ומן הייבום

R' Meir:

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ייבם ואח"כ נולד ומת After the death of Ruvain, Shimon was Meyabem Sarah,

Levi was born,

and Shimon died.

In this case is the Machlokes:
Rebbe Meir holds
שתיהן פטורות מן החליצה ומן הייבום
שתיהן שלא היה בעולמו because she's פטור Rivka is צרת ערוה because of צרת ערוה.
Rebbe Shimon holds
מייבם לאיזו מהן שירצה
או חולץ לאיזו מהן שירצה

Levi can be Meyabem, or perform Chalitzah with either one. This is a simple case of Yibum, because Sarah is not בהתירא אשכחה because החים שלא היה בעולמו - and Rivka is therefore, certainly not a. צרת ערוה.

משכן יחזקאל Mishkan Yecheskel



שרה

בפתירא



The Braisa now discusses a case where Shimon did nothing:

לא הספיק לעשות בה מאמר

עד שנולד לו אח ומת

After the death of Ruvain, before Shimon could do anything,

Levi was then born,

and Shimon then died.

הראשונה יוצאה משום אשת אחיו שלא היה בעולמו

ושניה או חולצת או מתייבמת

Sarah is פטור because she's אשת אחיו שלא היה בעולמו from Ruvain.

Rivka is obligated in Yibum, because Levi was בעולמו of Shimon, and she's not a צרת ערום, because Sarah did not become Shimon's wife.

The Braisa next discusses a case of where Shimon made a מאמר: עשה בה מאמר ואח"כ נולד אח

עשה בה מאמר ואח כ נולד אח או שנולד לו אח ואח"כ עשה בה מאמר ומת

According to Rebbe Meir, in both cases הראשונה יוצאה משום אשת אחיו שלא היה בעולמו

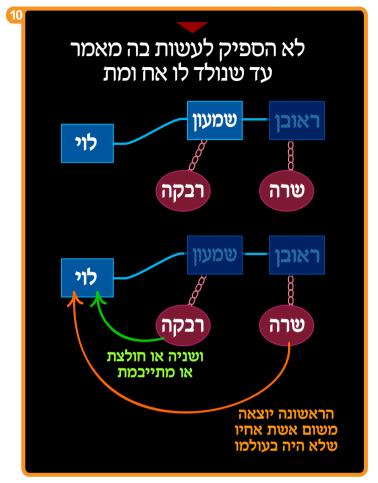
ושניה חולצת ולא מתייבמת

Rebbe Meir holds that Maamar is merely .arcal As a result;

Sarah is אשת אחיו שלא היה בעולמו from Ruvain אשת אחיו שלא היה בעולמו, because Shimon was not Meyabem.

Rivka must do Chalitzah, but may not do Yibum. Why? Rivka is obligated in Chalitzah, because Levi was בעולמו of Shimon, and מות ה, she's not a צרת ערוה, because Sarah did not become Shimon's wife מן התורה.

However, she may not do Yibum, because מדרבון, she IS a ערות, because Sarah did become Shimon's wife אַדר ערוה by the מאמר.











Rebbe Shimon disagrees about the effectiveness of מאמר. He holds that it is a ספק Either, מאמר accomplishes a קנין מן and the Yevamah is considered the Yavam's full-fledged wife as if he was Meyabem – Or, it accomplishes nothing at all, even מדרבען.

As a result, according to Rebbe Shimon, it will depend: נולד לו אח ואח"כ עשה בה מאמר

If Levi was born before the מאמר, הראשונה יוצאה משום אשת אחיו שלא היה בעולמו

ושניה חולצת ולא מתייבמת

Sarah is פטור because, whether the מאמר is effective or not, she's אשת אחיו שלא היה בעולמו from Ruvain, because Rebbe Shimon agrees בנולד ואח"כ ייבם.

Rivka must do Chalitzah, but may not do Yibum. She must do Chalitzah, because if the מאמר was not effective, she's not a צרח ערוה, because Sarah did not become Shimon's wife, and Rivka is obligated as Shimon's widow. However, she may not do Yibum, because if the מאמר is effective, she IS a מאמר, because Sarah did become Shimon's wife by the מאמר.



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עשה בה מאמר ואח"כ נולד אח

If Shimon made a Maamar before Levi was born; הראשונה חולצת ולא מתייבמת

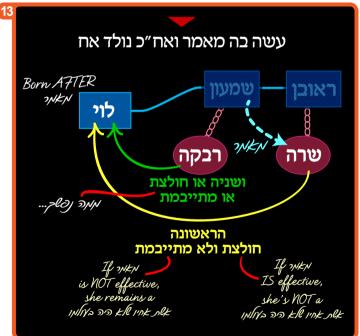
ושניה או חולצת או מתייבמת

Sarah must do Chalitzah, but may not do Yibum. She must do Chalitzah, because if the מאמר was effective, she's not an אשת אחיי שלא היה בעולמו, because it's like ייבם ואח"כ נולד ובהתירא אשכחה.

However, she may not do Yibum, because if the מאמר was not effective, she did not become Shimon's wife, and she remains אשת אחיו שלא היה בעולמו from Ruvain.

Rivka is obligated in, and may do Yibum, ממה נפשך, If the מאמר was not effective, Sarah did not become Shimon's wife, and Rivka is obligated as Shimon's widow

Even if the מאמר was effective, and Sarah did become Shimon's wife by the מאמר, she is not a צרת ערום because it is like צרת ערום מח"ל, and there is no אשת אחיו שלא היה בעולמו according to Rebbe Shimon.









In this case of עשה בה מאמר ואח"כ נולד אח הראשונה חולצת ולא מתייבמת ושניה חולצת החולצת אחריבמת

Rebbe Shimon adds;

ביאתה או חליצתה של אחת מהם

פוטרת צרתה

The יבום וחליצה of Rivka releases Sarah, ממה נפשך:

If the מאמר was not effective, and Sarah did not become Shimon's wife, Sarah does not require יבום וחליצה at all, because she's אשת אחיו שלא היה בעולמו from Ruvain.

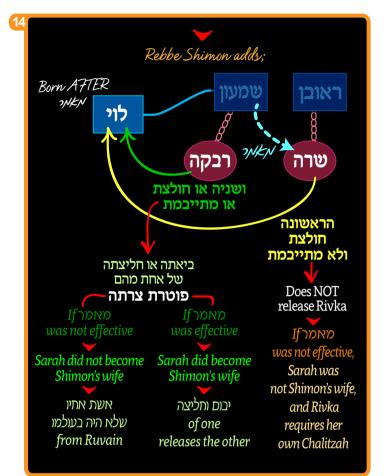
If the מאמר was effective, and Sarah did become Shimon's wife by the מאמר, she becomes by the יבום וחליצה of Rivka, as in every case of two Yevamos, the יבום וחליצה of one, releases the other. However,

חלץ לבעלת מאמר

לא נפטרה צרה

The Chalitzah of Sarah does NOT release Rivka, because if the מאמר was not effective, Sarah was not Shimon's wife, and Rivka requires her own Chalitzah.

It must be pointed out that if Levi wants to do Yibum with Rivka, he must do so before he does Chalitzah with Sarah. After Chalitzah with Sarah he must, and can only do Chalitzah with Rivka. He cannot do Yibum, because if the was effective, Sarah was Shimon's wife, and her Chalitzah also released Rivka.



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The Gemara proceeds to explain the Machlokes:

בייבם ואח"כ נולד

מאי טעמא דר"ש

כדאמר טעמא

הואיל ובא ומצאה בהיתר

ולא עמדה עליו שעה אחת באיסור

As explained earlier, Levi found her in a permitted status. מאי טעמא דרבנן

אמר קרא

ולקחה לו לאשה ויבמה

עדיין יבומים הראשונים עליה

She retains her status as a Yevamah from Ruvain, and therefore, remains an אשת אחיו שלא היה בעולמו to Levi.

However, the words ולקחה לו לאשה teach

כנסה הרי היא כאשתו לכל דבר

מלמד שמגרשה בגט ומחזירה

After Yibum she's considered his full-fledged wife, in that he can divorce her with a Gett only, and he may re-marry her.





